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DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-186751

DATE: October 29, 1976

MATTER OF: Precision Electronics Labs

DIGEST:

Where small business concern is found to be nonresponsible by procuring activity, GAO will not review COC determination by SBA absent showing that either SBA (which denied a COC) or agency failed to consider information vital to responsibility determination.

Precision Electronics Labs (Precision) protests against award of a contract by the Department of the Navy to Televiso Corporation under invitation for bids (IFB) N00383-76-B-0102.

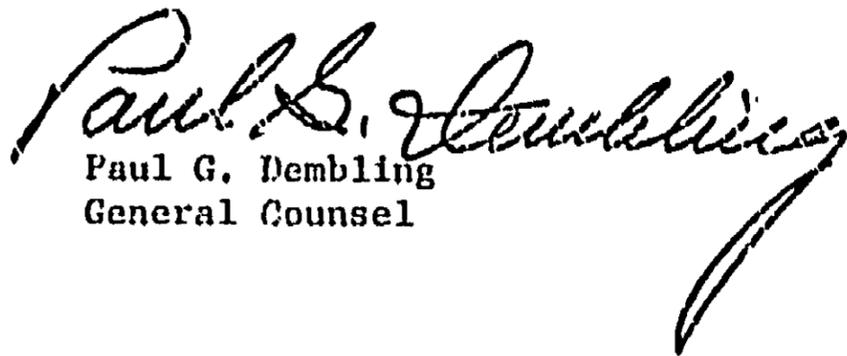
Precision's low bid was rejected by the contracting officer on the basis that Precision was not a responsible bidder after review of the recommendation and findings of the preaward survey team. Since Precision was a small business concern, the contracting officer referred the question of Precision's capacity and/or credit to the Small Business Administration (SBA) in accordance with Armed Services Procurement Regulation (ASPR) § 1-705.4(c) (1975 ed.). By letter dated May 24, 1976, SBA declined to issue Precision a certificate of competency (COC).

We have consistently held that the refusal by SBA to issue a COC must be viewed as an affirmation of the contracting officer's negative determination. Additionally, under 15 U.S.C. § 637(b)(7) (1970), the SBA has the authority to issue or deny a COC and our Office has no authority to review an SBA determination, to require issuance of a COC, or to reopen a case when a COC has been denied. Zinger Construction Company, Inc., B-185390, December 16, 1975, 75-2 CPD 397, and cases cited in text. While our Office will recommend a reassessment of the responsibility of a prospective contractor where it appears that all relevant information has not been considered, Precision has not presented any evidence to show

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that either SBA or the agency failed to consider all relevant information. Gallery Industries, Inc., Request for Reconsideration, B-185963, June 16, 1976, 76-1 CPD 383, Building Maintenance Specialists, Inc., B-186441, September 10, 1976.

Accordingly, there is no justification to consider the merits of the protest.


Paul G. Dembling
General Counsel